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JAN 11 2005

In re Application of :
Michael J. Harrison et al :
Application No. 10/002,442 : DECISION GRANTING PETITION
Filed: November 15, 2001 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 924.1.055 :

OFFICE OF PETITIONS

This is a decision on the petition, filed under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 12, 2004 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Mr. Kenneth L. Cage (petitioner herein) appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. The petition also includes a request to recognize the customer number for the firm of McDermott Will & Emery LLP as the correspondence

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

address. Since there is no indication that Mr. Cage was ever empowered to prosecute the instant application, the request will not be entered at this time. If Mr. Cage desires to receive correspondence regarding this file, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision is being mailed to Mr. Cage. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

Petitioner is advised that any petition to withdraw from issue, in order to ensure that it is acted on prior to issuance, should either be hand carried to the Office of Petitions or submitted to the Office of Petitions facsimile number (571-273-0025). Information concerning procedures for filing a petition to withdraw from issue may be directed to the general Office of Petitions number at 571-272-3282.

Telephone inquiries regarding this decision on petition should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 3764 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.



Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:

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